

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JARED ZAMZOW,  
Plaintiff,  
v.  
WELLS FARGO COMPANY,  
Defendant

Case No. 2:20-CV-00058-RSL

ORDER GRANTING IN  
PART DEFENDANT'S  
MOTION TO AMEND CASE  
SCHEDULE

This matter comes before the Court on “Defendant’s Motion to Amend Case Schedule.”

Dkt. # 22. On May 1, 2020, the Court set the trial date and related dates for this case. Dkt. # 21. Defendant's proposed amendment would adjust three of the deadlines while maintaining the current trial date of June 7, 2021. Plaintiff opposes the motion. Dkt. # 27.

A scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The district court is given broad discretion in supervising the pretrial phase of litigation[.]” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation omitted). “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party seeking the amendment.” Id. at 609.

Defendant argues that good cause exists here because the proposed deadlines will permit the parties to complete discovery and explore alternative dispute resolution, and the proposed deadlines will not prejudice plaintiff. Defendant also contends that plaintiff had previously affirmed his willingness to cooperate with the deadlines defendant proposed. According to defendant, plaintiff later conditioned his approval on a request for a mediation date, a request

1 defense counsel explains he could not act on due to the last-minute nature of the request. In  
2 response to defendant's motion, plaintiff asserts that no good cause exists and that defendant is  
3 "trying to extend deadlines in hopes that [plaintiff] will die before the end of the lawsuit."  
4 Dkt. # 27.

5 The Court observes that defendant appears to have attempted to work cooperatively with  
6 plaintiff in proposing to modify the case schedule, including honoring plaintiff's desire to  
7 maintain the current trial date. Thus, the Court is not convinced that defendant is attempting to  
8 use dilatory tactics at the expense of the plaintiff's health or to otherwise prejudice plaintiff's  
9 case. Nevertheless, defendant has not demonstrated its diligence in attempting to adhere to the  
10 existing case schedule. Rather, defendant primarily argues that its proposed amendments to the  
11 case schedule would provide the parties with more time to pursue alternative dispute resolution,  
12 but plaintiff opposes defendant's motion, and the requested extension of deadlines may not  
13 necessarily accelerate settlement discussions. Moreover, defendant's proposed schedule does not  
14 appear very well targeted to provide ample time to pursue alternative dispute resolution.  
15 Defendant proposes that reports from expert witnesses under FRCP 26(a)(2) and discovery be  
16 completed by March 9, 2021, but defendant maintains the proposed settlement conference date  
17 of February 21, 2021. See Dkt. # 22 at 4. Given that defendant also claims that discovery on  
18 plaintiff's health and damages will be needed prior to mediation, Dkt. # 30 at 3–4, it seems  
19 counterproductive to delay the discovery completion date until after the proposed deadline for  
20 holding a settlement conference, especially where these conferences typically proceed only after  
21 parties have participated in mediation. See LCR 39.1(e).

22 Ultimately, in light of the ongoing effects of the COVID-19 pandemic, and in the interest  
23 of complete disclosures, the Court will grant a brief extension on the deadline for reports from  
24 expert witnesses under FRCP 26(a)(2). See *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.  
25 1988) ("The district court has wide discretion in controlling discovery."). The Court also  
26 encourages defendant to pursue alternative dispute resolution with plaintiff as early as possible,  
27 given both parties' apparent interest in resolving this matter.

1 It is hereby ORDERED that:

2 1. Reports from expert witnesses under FRCP 26(a)(2) are due on January 9, 2021, not  
3 December 9, 2020.

4 DATED this 8th day of December, 2020.

5  
6  
7 Robert S. Lasnik

8 Robert S. Lasnik  
9 United States District Judge